

## **REMARKS**

Prior to entry of the claim amendments set forth above, claims 15-29 were pending in the application. Claims 15, 17, 21, 22, and 24 have been amended, and claims 63 and 64 have been added.

In the May 31, 2007 Office Action, claims 15-29 are rejected under 35 U.S.C. 102(b) as anticipated by Lee (U.S. Patent 4,053,433 as evidenced by Ravkin *et al.* (U.S. 2003/0008323 A1). Claims 17 and 22 were objected to. Claims 15-29 were rejected under 35 USC § 112, second paragraph, as indefinite and claims 21 and 24 also were rejected as indefinite on separate grounds. Claims 15-29 were rejected under 35 USC § 112, first paragraph, for lack of written description. The specific grounds for rejection, and applicants' response thereto, are set forth in detail below.

### **Support for amendments**

The amendments to claim 15 are supported throughout the specification and specifically at page 14, line 28, *et seq.*, (“synthon”), page 16, lines 12-13 “combinatorial synthesis”), see also pages 23-25 and page 32 (synthesis). Page 32, line 17 *et seq.* describes use of a plurality of carriers and a plurality of synthons and synthesis of a combinatorial library. Claims 63 and 64 are supported at page 25, which describes use of linkers.

### **Rejection Under 35 U.S.C. §102**

Claims 15-29 are rejected under 35 U.S.C. 102(b) as anticipated by Lee (U.S. Patent 4,053,433 as evidenced by Ravkin *et al.* (U.S. 2003/0008323 A1). Applicants respectfully traverse.

It is axiomatic that, for a prior art reference to be anticipatory, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants traverse the rejection, since Lee, whether or not evidenced by Ravkin, fails to teach every element of the rejected claims.

Lee merely describes “taggant” particles, that can be mixed or otherwise non-covalently associated with a material that is to be “tagged.” Lee fails to describe the instantly claimed population of carriers covalently coupled to synthons suitable for use in combinatorial synthesis.

Accordingly, Lee fails to teach each and every limitation of the instantly claimed invention and therefore respectfully request that the rejection be withdrawn.

### **Claim objections**

Claims 17 and 22 are objected to for a typographical error. The amendments to claims 17 and 22 obviate the rejection.

### **Rejections under 35 USC § 112, second paragraph**

Claims 15-29 are rejected under 35 USC § 112, second paragraph, as indefinite and claims 21 and 24 also are rejected as indefinite on separate grounds. The amendment to claim 15 moots the rejection of claims 15-29 and the amendments to claims 21 and 24 clarify that the attribute is due to the presence of a dye. Withdrawal of the rejection respectfully is requested.

### **Rejections under 35 USC § 112, first paragraph**

Claim 15 as previously amended is rejected for the inclusion of new matter for reciting “providing a base for a sequence of reaction steps.” Applicants previous response showed that this aspect of the claim was supported at page 16, line 12 of the specification, however the amendments to claim 15 render the rejection moot.

## **CONCLUSION**

In view of the foregoing amendments and remarks, applicants respectfully submit the claims are in condition for allowance. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



---

Paul M. Booth  
Attorney for Applicant  
Reg. No.: 40,244

Date: August 31, 2007

**Proskauer Rose LLP**  
1001 Pennsylvania Avenue, NW  
Suite 400  
Washington, DC 20004  
Telephone: 202.416.6800  
Facsimile: 202.416.6899  
CUSTOMER NO: 61263

Customer No. 61263